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COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Proceeding by the Department of Telecommunications and Energy to conduct mandatory thousands-block number pooling trials pursuant to the authority delegated by the Federal Communications Commission.

D. T. E. 99-99

REPLY COMMENTS BY AT&T COMMUNICATIONS OF NEW ENGLAND, INC., IN SUPPORT OF ITS PENDING MOTION FOR PARTIAL RECONSIDERATION OF THE JANUARY 27, 2000, LETTER ORDER, TO ACCOMMODATE SPECIFIC CUSTOMER NUMBERING REQUIREMENTS

AT&T Communications of New England, Inc. ("AT&T"), on behalf of itself and its affiliates, hereby submits the following reply comments in support of its pending motion for partial reconsideration of the Department's Letter Order dated January 27, 2000. AT&T respectfully requests that the Department revise its telephone number and thousands block assignment guidelines to provide that in order to meet a specific customer requirement - i.e., to meet specific customer needs resulting from private branch exchange ("PBX") or other technical requirements, or a customer need for a block of consecutive numbers, or a business customer request for a special number - a carrier may assign one or more telephone numbers from a minimally-contaminated or an uncontaminated thousands block of numbers, and if necessary may obtain an additional thousands block, even if the 75 percent fill-rate requirement would not otherwise be met.

Reply Comments.

The Attorney General suggests, without explanation or justification, that permitting carriers to satisfy specific customer numbering requirements would "open the door for," and indeed "encourage," "abuse." See Attorney General's Opposition at 1, 3. There is no merit to this suggestion. Local exchange carriers do not commit any "abuse" by doing their job of meeting the legitimate needs of their customers, and ensuring that customers have access to the numbering resources they require.

There is nothing the least bit improper about permitting carriers to meet specific customer number requirements, and ensuring that constraints on the use of existing numbering resources do not result in anti competitive effects. To the contrary, the Federal Communications Commission has emphasized the importance of permitting carriers to meet customer needs, and of ensuring that the use of fill-rate requirements in no way stifles fair competition among carriers. In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, NSD File No. L-99-19, FCC 99-246 (released Sept. 15, 1999) ("FCC Code Conservation Order"), ¶¶ 9, 31-32

Tellingly, the Attorney General does not identify any circumstances under which a carrier should be barred from satisfying a specific customer numbering requirement, whether to meet a customer's technical requirement or business need. It would be a

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pointless burden on Departmental resources to force Carriers to seek waivers to meet specific customer numbering requirements, since under the FCC's guidelines such requests should always be granted. (1) Rather, the Department should simplify its fill rate guidelines and avoid unnecessary paperwork by granting the relief sought in AT&T's motion for partial reconsideration, which has received broad support.

Finally, the Attorney General's suggestion that the relief sought in the motion for partial reconsideration would "undermine, if not negate," the Department's efforts to implement 1000s block pooling is without merit. As AT&T explained in its motion, if a customer requires only a few numbers that must be provided out of a currently uncontaminated or minimally contaminated block, that block will probably remain available for pooling. On the other hand, if a customer requires so many numbers out of another block that the block is no longer available for pooling (e.g., if a customer needs a continuous range of 200 telephone numbers), then it is completely appropriate to enable the Carrier to serve the customer. The alternative would be to force the customer to go to another carrier, which is precisely the outcome that that FCC has warned against in implementing 1000s block pooling. See FCC Code Conservation Order, ¶ 32.

Conclusion.

For the reasons stated above and in AT&T's motion for partial reconsideration, as well as in the comments of the many other carriers that support this motion, AT&T respectfully requests that the Department revise its telephone number and thousands block assignment guidelines to provide that in order to meet a specific customer requirement - i.e., to meet specific customer needs resulting from private branch exchange ("PBX") or other technical requirements, or a customer need for a block of consecutive numbers, or a business customer request for a special number - a carrier may assign one or more telephone numbers from a minimally-contaminated or an uncontaminated thousands block of numbers, and if necessary may obtain an additional thousands block, even if the 75 percent fill-rate requirement would not otherwise be met.

Respectfully submitted,

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Dated: March \_\_\_, 2000.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party on March \_\_\_, 2000.

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1. 1 The Attorney General asserts that "[t]he Department can complete its review process within the FCC-approved ten day time period if the carrier provides the Department with adequate information." Attorney General's Opposition at 4. This assertion assumes that the Department is able to devote staff resources to processing requests to satisfy specific customer numbering requests, and that it makes sense to use staff resources in this way.